

AMENDED IN ASSEMBLY APRIL 5, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 826

Introduced by Assembly Member Nava

February 18, 2005

~~An act relating to agriculture. An act to add Article 3 (commencing with Section 9100) to Chapter 10 of Part 6 of the Education Code, and to add Chapter 5 (commencing with Section 43600) to Division 17 of the Food and Agricultural Code, relating to child nutrition.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 826, as amended, Nava. ~~Food and agriculture~~ *California Farm to School Child Nutrition Improvement Program.*

~~Existing law provides that California farmers may transport for sale and sell California-grown fresh fruits, nuts, and vegetables that they produce, directly to the public and defines certified farmers' markets as locations established in accordance with local ordinances, where California farmers may transport and sell to the public California agricultural products that they produced, the Child Nutrition Act of 1974, among other things, requires the State Department of Education to develop and maintain nutrition guidelines for school lunches and breakfasts, and all food and beverages sold at school sites, as specified.~~

~~This bill would state the intent of the Legislature to establish a program to encourage the creation of farmers' markets and other venues for the sale of fruits and vegetables in areas of the state with inadequate access to those foods establish the California Farm to School Child Nutrition Improvement Program. This bill would require the State Department of Education, in collaboration with the Department of Food and Agriculture and the State Department of~~

Health Services, to implement the program. This bill would require the State Department of Education to offer voluntary farm to school workshops and training, as specified, to school food service directors and school food service personnel on the purchasing and use of seasonal fruits and vegetables from local farmers for use in federally reimbursable meal programs and other meals served on campus. This bill would require the Department of Food and Agriculture, to the extent funding is available, to provide outreach and technical assistance to farmers and others in the agricultural industry seeking to establish or participate in a local Farm to School program.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

~~SECTION 1. It is the intent of the Legislature to establish a program to encourage the creation of farmers' markets and other venues for the sale of fresh, locally-grown fruits and vegetables in areas of the state with inadequate access to those foods as a means of improving health, reducing obesity, and reducing health care costs to citizens and the state.~~

SECTION 1. Article 3 (commencing with Section 9100) is added to Chapter 10 of Part 6 of the Education Code, to read:

Article 3. California Farm to School Child Nutrition
Improvement Act

9100. The Legislature finds and declares all of the following:

(a) According to the CDFA, less than 20 percent of young people and only about 25 percent of adults eat the recommended five or more servings of fruits and vegetables each day. A recent study in the New England Journal of Medicine finds that, unless reversed, in the next 50 years obesity will shorten life expectancy in the United States by two to five years, exceeding the impact of cancer or heart disease.

(b) The 2002 Farm Bill encourages schools participating in the National School Lunch Program and the School Breakfast Program to purchase local foods where practicable. The USDA Food and Nutrition Service encourages food service directors to purchase from farmers in their region.

1 (c) *About 100 schools in 20 school districts in California have*
2 *worked successfully with local farmers to implement Farm to*
3 *School programs that provide fresh, locally grown fruits and*
4 *vegetables to school cafeterias, but various barriers restrict their*
5 *broader adoption.*

6 (d) *Farm to School programs do all of the following:*

7 (1) *Improve the nutritional quality of foods served in school*
8 *lunch programs and prevent obesity and obesity-related diseases.*

9 (2) *Provide opportunities for local farmers, particularly small-*
10 *and medium-scale farmers, to market directly to local schools,*
11 *thereby reducing labor and transportation costs and earning a*
12 *higher net profit than when selling to a wholesale distributor.*

13 (3) *Strengthen the economic viability of local farms, and*
14 *thereby strengthen local economies, discourage the conversion of*
15 *farmland, and prevent urban sprawl.*

16 (4) *Provide a useful model to farmers and the state for the*
17 *creation of Farm to Cafeteria programs that link local farmers*
18 *with other public and private institutions that serve meals,*
19 *including universities, hospitals, nursing homes, and prisons.*

20 (e) *A successful statewide Farm to School program will*
21 *require the resources, expertise, and collaboration of a variety of*
22 *state agencies, including the Department of Education, the State*
23 *Department of Food and Agriculture, and the State Department*
24 *of Health Services.*

25 (f) *It is in the interest of the state to take all feasible steps to*
26 *diminish barriers to, and encourage the implementation of, Farm*
27 *to School programs, in order to improve child nutrition and*
28 *strengthen local farm economies. It is further in the interest of*
29 *the state that all state agencies with a responsibility to implement*
30 *a statewide Farm to School program take all feasible steps to*
31 *collaborate effectively and provide available resources to ensure*
32 *the success of the program.*

33 9101. *This article shall be known and may be cited as the*
34 *California Farm to School Child Nutrition Improvement Act.*

35 9102. *For the purposes of this article, the following terms*
36 *have the following meanings:*

37 (a) *“CDFA” means the Department of Food and Agriculture.*

38 (b) *“DHS” means the State Department of Health Services.*

39 (c) *“DoD” means the United States Department of Defense.*

1 9103. *It is the policy of the state to encourage and take all*
2 *feasible steps to increase the purchase of locally grown and*
3 *California grown farm products by public schools and to assist*
4 *school districts and farmers in establishing and maintaining*
5 *successful Farm to School programs. It is further the policy of*
6 *the state to expand the Farm to School concept to other public*
7 *institutions, including, but not limited to, universities, public*
8 *hospitals, and correctional facilities.*

9
10 9104. (a) *The California Farm to School Child Nutrition*
11 *Improvement Program is hereby created. Except as otherwise*
12 *provided in law, the California Farm to School Child Nutrition*
13 *Improvement Program shall be implemented by the department,*
14 *in collaboration with the CDFA and DHS. The department,*
15 *CDFA, and DHS shall take all feasible steps to establish a*
16 *collaborative and unified working relationship that recognizes*
17 *the specific expertise of the agencies and makes effective use of*
18 *that expertise and any available financial resources of the*
19 *agencies to most efficiently and effectively implement a*
20 *successful program.*

21 (b) *The purposes of the program include all of the following:*
22 (1) *Improve the health and nutrition of California school*
23 *children by increasing their consumption of fresh, locally grown*
24 *fruits and vegetables.*

25 (2) *Increase opportunities for California farmers to market*
26 *directly to local schools and school districts.*

27 (3) *Provide information and technical assistance to schools*
28 *and school districts, food service personnel, farmers, and*
29 *produce distributors and processors regarding the demand for*
30 *and the availability of fresh, locally grown fruits and vegetables.*

31 (4) *Identify and eliminate barriers to successful*
32 *implementation of local Farm to School programs.*

33 (5) *Promote successful models and strategies for local Farm*
34 *to School programs to school districts, food service personnel,*
35 *farmers, distributors, and processors.*

36 9105. (a) *The program shall be implemented to the extent*
37 *feasible within existing resources and any other funds that may*
38 *be secured. The department, CDFA, and DHS are encouraged to*
39 *seek funding for the program from all available sources,*
40 *including, but not limited to, federal funds awarded to California*

1 *pursuant to the Specialty Crop Competitiveness Act of 2004*
2 *(Public Law 108-465) and the Child Nutrition and WIC*
3 *Reauthorization Act of 2004 (Public Law 108-265), other federal*
4 *funds, private funds, or state funds appropriated by the*
5 *Legislature. The department shall collaborate with CDFA and*
6 *DHS to secure nonstate funds, including public and private*
7 *grants, to implement the program.*

8 *(b) In order to use available funds most efficiently, the*
9 *department, CDFA, and DHS may contract with qualified*
10 *organizations, including organizations with demonstrated*
11 *expertise in implementing Farm to School programs, to carry out*
12 *the purposes of this act.*

13 *9106. The department shall establish a Farm to School*
14 *interagency working group to coordinate and advance the work*
15 *of the program. The working group shall include representatives*
16 *of the department, CDFA, and DHS. The working group shall*
17 *seek the participation and input of interested stakeholders,*
18 *including, but not limited to, school districts, food service*
19 *directors, farmers, food distributors and processors, and farm*
20 *organizations with expertise in Farm to School programs, and*
21 *nonprofit organizations with expertise in community food*
22 *security. The working group shall advise the department on*
23 *needed actions and effective strategies to implement the*
24 *California Farm to School Child Nutrition Improvement*
25 *Program.*

26 *9107. (a) The department shall offer voluntary farm to*
27 *school workshops to school food service directors and personnel*
28 *on the purchasing and use of seasonal fruits and vegetables from*
29 *local farmers for use in federally reimbursable meal programs*
30 *and other meals served on campus. To the extent feasible, the*
31 *workshops may be offered in conjunction with other nutrition*
32 *outreach and education programs sponsored by the department.*
33 *The department may contract with qualified organizations,*
34 *including organizations with demonstrated expertise in working*
35 *with school food service personnel in Farm to School programs,*
36 *to carry out the purposes of this section.*

37 *(b) The department shall incorporate into existing nutrition*
38 *education programs, including, as appropriate, nutrition courses*
39 *offered to child nutrition personnel through the California*
40 *Professional Nutrition Education and Training Centers*

1 *(CAL-PRO-NET) and menu planning courses through the School*
2 *Meals Initiative, the opportunity for school food service*
3 *personnel to voluntarily receive training related to the*
4 *purchasing and use of seasonal fruits and vegetables from local*
5 *farmers for use in federally reimbursable meal programs and*
6 *other meals served on campus.*

7 9108. (a) (1) *The Legislature finds and declares that the*
8 *DoD Farm to School Program buys farm-grown fruits and*
9 *vegetables within a state for sale within that state to*
10 *participating school districts, using the existing DoD*
11 *procurement, transportation, and storage system within the state*
12 *to maximize efficiency and minimize costs to schools.*

13 (2) *The Legislature further finds and declares that the DoD*
14 *Farm to School Program has been significantly underused in*
15 *California and provides opportunities to increase the purchase of*
16 *California grown fruits and vegetables for consumption in*
17 *California schools.*

18 (b) *The department and CDFA shall work with the DoD Farm*
19 *to School Program to establish a Farm to School Partnership*
20 *that will maximize the purchase of fruits and vegetables by DoD*
21 *from California farmers, with an emphasis where feasible on the*
22 *sale to schools of locally grown fruits and vegetables.*

23 (c) *In order to assist school districts and food service directors*
24 *wishing to implement a Farm to School program and increase*
25 *purchase of locally and California grown fruits and vegetables,*
26 *the department shall work with DoD to identify food products on*
27 *the offering list that are sourced in California through the DoD*
28 *Farm to School Program.*

29 (d) *In carrying out this section, the department and CDFA*
30 *may consult or contract with any private organization that has*
31 *experience working with the DoD Farm to School Program in*
32 *California.*

33 9109. (a) *The Legislature finds and declares all of the*
34 *following:*

35 (1) *The Child Nutrition and WIC Reauthorization Act of 2004*
36 *(Public Law 108-265) authorizes funding for projects to improve*
37 *access to local foods in schools and provides a 75 percent match.*

38 (2) *The Specialty Crop Competitiveness Act of 2004 (Public*
39 *Law 108-465) authorizes funding of Forty-four million five*
40 *hundred thousand dollars (\$44,500,000) annually to states to*

1 *promote the purchase of specialty crops. When these funds are*
2 *appropriated, California is expected to receive approximately 50*
3 *percent of these funds.*

4 *(3) Seed grants can be key to establishing successful local*
5 *farm to school programs, by providing early funding for*
6 *planning, training for food service staff, equipment purchases,*
7 *development of procurement procedures for local produce,*
8 *outreach to local farmers, and related activities.*

9 *(b) The department, to the extent funding is available, shall*
10 *administer a Farm to School seed grant program to improve*
11 *access to local foods in schools and assist school districts in*
12 *establishing and maintaining local farm to school programs.*
13 *Grants shall be awarded on a competitive basis, in amounts*
14 *determined by the department, to school districts and nonprofit*
15 *organizations to carry out activities to establish and maintain*
16 *farm to school programs that procure locally produced foods*
17 *from small and medium-sized farms for school meals. The*
18 *department shall seek the advice of the Farm to School*
19 *interagency working group in establishing criteria for and*
20 *implementing the seed grant program.*

21 *(c) The department, CDFA, and DHS shall make all feasible*
22 *efforts to secure federal funding, as made available through the*
23 *Child Nutrition and WIC Reauthorization Act of 2004 (Public*
24 *Law 108-265) and the Specialty Crop Competitiveness Act of*
25 *2004 (Public Law 108-465) and other available sources, to*
26 *provide funds for seed grants. To the extent funds are secured*
27 *through the Child Nutrition and WIC Reauthorization Act of*
28 *2004 for projects to improve access to local foods in schools,*
29 *priority shall be given to projects that increase the amount of*
30 *locally grown fruits and vegetables in school meals. The*
31 *department also shall seek to maximize opportunities to use other*
32 *nonstate sources of funds to meet all or part of the state's 25*
33 *percent match to qualify for funding through the Child Nutrition*
34 *and WIC Reauthorization Act of 2004.*

35 *SEC. 2. Chapter 5 (commencing with Section 43600) is added*
36 *to Division 17 of the Food and Agricultural Code, to read:*

CHAPTER 5. FARM TO SCHOOL

43600. *It is the policy of the state to encourage and take all feasible steps to increase the purchase of locally grown and California grown farm products by public schools and to assist school districts and farmers in establishing and maintaining successful Farm to School programs. It is further the policy of the state to expand the Farm to School concept to other public institutions, including, but not limited to, universities, public hospitals, and correctional facilities.*

43601. (a) *The department, in collaboration with the California Farm to School Child Nutrition Improvement Program implemented pursuant to Article 3 (commencing with Section 9100) of Chapter 10 of Part 6 of the Education Code, shall, to the extent funding is available, provide outreach and technical assistance to farmers and others in the agricultural industry seeking to establish or participate in a local Farm to School program. The outreach and assistance shall emphasize voluntary local workshops and training sessions where farmers can receive hands-on advice and training on opportunities and strategies to sell to local schools.*

(b) *The department may contract with qualified organizations, including organizations with demonstrated expertise in implementing farm to school programs, to carry out the purposes of this section.*

(c) *To the extent feasible, the department shall make the outreach and technical assistance information provided pursuant to this section available through the department's Internet Web site.*

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